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Honorable Colleen McMahon
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED
2/3/22

Re: *United States v. James Cahill, et al.*
20 Cr. 521 (CM)
Unopposed Request to Modify Scheduling Order

Dear Judge McMahon:

I write on behalf of all counsel to respectfully request that the motions scheduling order issued in this case be modified as set forth below. The order currently requires defense motions to be submitted on or before March 4, 2022.

Several counsel have expressed their desire to submit requests to the United States Attorney's office outlining why their respective clients should be considered for an alternate disposition in this case, including the SDNY deferred prosecution program. The Court is undoubtedly aware that this process is quite time-consuming for defense and government counsel. It seems prudent to allow this process to play out without the parties' need to also focus their attention on motions and replies. In addition to this process, other defense counsel continue to review the discovery, voluminous as it is, and are concerned that they will not have enough time to review all the discovery material in this case, sufficient to ensure that all possible motions can be properly drafted within the current time frame set by the Court. Should our efforts prove to be successful, the savings in resources of the court system, the government and the parties will likely be substantial.

Accordingly, the defendants request that the scheduling order be modified as follow:

- Defense motion to be submitted on or about April 20, 2022
- Government response on or before May 11, 2022
- Defendant's reply, if any, on or before May 26, 2022
- Status conference, if any, to be scheduled by the Court¹

¹ A status conference is currently schedule for May 3, 2022.

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Counsel has discussed this request with the attorney for the government, Jason Swergold, and he advised me that the government does not object to modifying the scheduling order as set forth above.

For all these reasons, the defendants jointly request that the scheduling order for submitting motions be modified and adopt the submission dates proposed by counsel.

Finally, since this application outweighs the "best interest of the public and the defendant in a speedy trial" pursuant to the applicable provisions of the Speedy Trial Act (see 18 U.S.C. § 3161 (h)(1)(D), 2(7)(A)), should it be granted, the parties jointly request that the Court enter an order of excludable delay to whatever date the next status conference is scheduled.²

Thank you for your consideration in this matter.

Respectfully submitted,

/s/
Steve Zissou

cc: All counsel (by ecf/email)

² An order of excludable delay has been entered until May 3, 2022.